

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARCUS RUBEN ELLINGTON,

Plaintiff,

No. CIV S-04-0666 DFL KJM P

vs.

E.S. ALAMEIDA, et al.,

Defendants.

ORDER

On March 30, 2006, plaintiff filed a request for reconsideration¹ of the magistrate judge's order filed March 16, 2006, denying plaintiff's motion for summary judgment without prejudice to refile. Pursuant to E.D. Local Rule 72-303(f), a magistrate judge's orders shall be upheld unless "clearly erroneous or contrary to law." Upon review of the entire file, the court finds that it does not appear that the magistrate judge's ruling was clearly erroneous or contrary to law. The court notes that the magistrate judge has now issued Findings and Recommendations related to the motion for preliminary injunction.

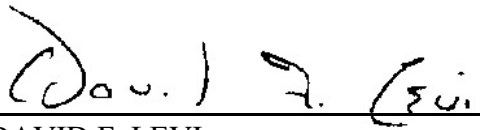
Therefore, IT IS HEREBY ORDERED that, upon reconsideration, the order of the

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¹ Plaintiff has entitled the document "objections."

1 magistrate judge filed March 16, 2006, is affirmed.

2 DATED: 5/9/2006

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6 DAVID F. LEVI
United States District Judge

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